

IN RE: PETITION FOR VARIANCE * BEFORE THE
54/Corner Lambourne & Yorkward Roads
(Phase I, The Valleys of Towson) * ZONING COMMISSIONER
9th Election District
4th Councilmanic District * OF BALTIMORE COUNTY

Lambourne Limited Partnership * Case No. 96-119-A
Petitioners
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners come before me seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to allow a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line, in lieu of the required 30 feet. In addition, the Petitioners seek a variance from Public Works Standards to permit two 18-foot wide lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot paving. The subject property and relief sought are more particularly described on the latest revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

11/2/95

LRB

Appearing at the hearing on behalf of the Petition were Kimberly B. Strutt, President of Strutt Group, Inc., Contract Purchaser/Lessee, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, the Petitioners requested a modification of the relief sought to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. The Petition was amended accordingly and the hearing proceeded on the relief requested.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2.47 acres, more or less, zoned R.A.E.2, and is known as Phase 1 of The Valleys of Towson, a large high-rise apartment complex. The property is proposed to be redeveloped with 78 two-bedroom apartments as shown on the site plan submitted and marked into evidence as Petitioner's Exhibit 1. This property was the subject of prior Case No. 94-355-A in which the Petitioners were granted variances from various building, property line, and window setback requirements, as well as a parking variance of 90 spaces in lieu of the required 93 spaces for the proposed redevelopment of the subject site on April 21, 1994. The Petitioners propose to raze the existing buildings and construct two new buildings with 39 units each as shown on the site plan. The Petitioners now come before me seeking a modification of the variance relief previously granted to reflect minor amendments to the site plan and a refinement of the building locations on the property. The proposed new buildings will be lower in height and spread over the entire property in lieu of the typical

ORDER RECEIVED FOR FILING

Date

By

high-rise style apartment building. Thus, the requested variances are necessary.

It should be noted that this project was granted a limited exemption from the development process by the Development Review Committee on April 10, 1995. In addition, the Zoning Plans Advisory Committee comments are favorable and the Office of Planning and Zoning (OPZ) supports the Petitioners' request for variance. Furthermore, the Developer's Plans Review Division supports the relief requested, but suggested that landscaping be required in conjunction with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

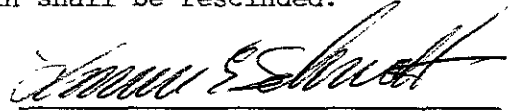
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November, 1995 that the Petition for Variance seeking relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet, and to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

11/10/15

By



IN RE: PETITION FOR VARIANCE * BEFORE THE
SW/Corner Lambourne & Yorkward Roads
(Phase I, The Valleys of Towson) * ZONING COMMISSIONER
9th Election District
4th Councilmanic District * OF BALTIMORE COUNTY

Lambourne Limited Partnership * Case No. 96-119-A
Petitioners
*

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner as a Petition for Variance for the subject property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire, seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Public Works Standards to permit the proposed reconstruction of the existing apartment complex, pursuant to a revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

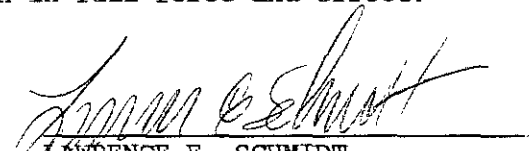
WHEREAS, at the onset of the hearing, the Petitioners requested a modification of the relief requested to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. All of the relief requested was granted, by Order issued November 21, 1995.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office that the relief granted failed to include the

additional variance requested at the hearing, and thus, an amendment to the Order is necessary.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November, 1995 that the Order issued November 21, 1995 be and is hereby AMENDED to GRANT variance relief as follows: from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street center-line in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet; to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road; and from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 21, 1995 shall remain in full force and effect.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Ms. Kimberly B. Strutt, The Strutt Group, Inc.
54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel; Case File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 21, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Lambourne & Yorkward Roads
(Phase I, The Valleys of Towson)
9th Election District - 4th Councilmanic District
Lambourne Limited Partnership - Petitioners
Case No. 96-119-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Kimberly B. Strutt, The Strutt Group, Inc.
54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel

File



Petition for Variance

96-119-A
to the Zoning Commissioner of Baltimore County

for the property located at Lambourne and Dunvale at Yorkward

which is presently zoned _____ RAE-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Strutt Group, Inc.

(Type or Print Name)

By:

Signature Kimberly B. Strutt, President

54 Scott Adam Road

Address:

Cockeysville, Maryland 21030

City

State

Zipcode

Attorney for Petitioner

Robert A. Hoffman

(Type or Print Name)

Variable, Baetjer & Howard

210 Allegheny Avenue 494-6262

Towson, Maryland 21204

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Lambourne Limited Partnership

(Type or Print Name)

By:

Signature Jack H. Pechter, General Partner

c/o JHP Enterprises

40 York Road, 2nd Floor

Towson, Maryland 21204 321-8777

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204

494-6262

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-11-95

ORDER RECEIVED FOR FILING

Date: 9/11/95

By: [Signature]

Zoning Administration

Seal of Baltimore County, Maryland

Zoning Variances

96-119-A

Variances from Section 201.3.C.1 of the Baltimore County Zoning Regulations to:

Allow building to be located as close as 45 feet to street centerline, in lieu of the required 60 feet, while maintaining the required 15 feet to a street line ,

Allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet.

Public Works Standards

Modification of standards to allow two 18-foot lanes with an interior 8 foot island and on-street parallel parking in Lambourne Rd., in lieu of the required 40 foot paving.

Additional Variance

Section 201.3 C.2 - to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet.

96-119-A

Description
To Accompany Petition for Zoning Variance
2.47 Acre Parcel
Southeast Side of Lambourne Road
Southwest Side of Yorkward Road
Ninth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the point formed by the intersection of the southeast side of Lambourne Road, 60 feet wide, with the southwest side of Yorkward Road, 60 feet wide, and being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Lambourne Road with the centerline of Yorkward Road (1) South 58 degrees 29 minutes 11 seconds West 30 feet, and thence (2) South 31 degrees 25 minutes 01 second East 30 feet to the point of beginning, thence leaving said beginning point and binding on the said side of Yorkward Road (1) South 31 degrees 25 minutes 01 second East 199.10 feet, thence leaving the said road and running the two following courses and distances, viz: (2) South 58 degrees 29 minutes 11 seconds West 540.62 feet, and thence (3) North 31 degrees 41 minutes 26 seconds West 199.10 feet to intersect the said southeast side of Lambourne Road, thence binding thereon (4) North 58 degrees 29 minutes 11 seconds East 541.57 feet to the point of beginning; containing 2.47 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 30, 1995

Project No. 89113.E (L89113E.1)

119



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-119-14

District 9th Date of Posting 10/13/95
Posted for: Variance
Petitioner: Stout Group Inc
Location of property: 56101 Lambourn + Yorkward Rds
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by M. Healy Date of return: 10/20/95
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

Case: #96-119-A
(Item 119)

The Valleys of Towson
SWC Lambourne and
Yorkward Roads
9th Election District
4th Councilmanic.
Legal Owner(s):
Lambourne Limited
Partnership

Contract Purchaser:

Street Group, Inc.

Hearing: Tuesday, October 31,
1995 at 10:00 a.m. in Rm.

118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3397.

10/04/95 October 5.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/5, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

702357

DATE 9-13-95 ACCOUNT R001-6150

96-119-A

AMOUNT \$ 285.00

RECEIVED FROM: LANEBOURNE LIMITED PARTNERSHIP SW/C of LANEBOURNE & YORKWARD RES.

VARIANCE (C20)	250.00
POSTING (C80)	35.00

FOR: 01-7-NE+68MICHFC 285.00
24-002+24PNDP-15-95 \$295.00

VALIDATION OR SIGNATURE OF CASHIER

Lucy

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 119

Petitioner: Lambourne Limited Partnership

Location: SW/c of Lambourne & Yorkward Rds.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormord, ~~City~~ Legal Asst.

ADDRESS: Venable

210 Allegheny Ave, Towson, Md 21204

PHONE NUMBER: 494-6201

AJ:ggs

(Revised 04/09/93)

TO: PUTFUXENT PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-119-A (Item 119)
The Valleys of Towson
SWC Lambourne and Yorkward Roads
9th Election District - 4th Councilmanic
Legal Owner: Lambourne Limited Partnership
Contract Purchaser: Strutt Group, Inc.
HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m.. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. -
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-119-A (Item 119)

The Valleys of Towson

SWC Lambourne and Yorkward Roads

9th Election District - 4th Councilmanic

Legal Owner: Lambourne Limited Partnership

Contract Purchaser: Strutt Group, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m.. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Lambourne Limited Partnership
Strutt Group, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 119
Case No.: 96-119-A
Petitioner: Lambourne Ltd.

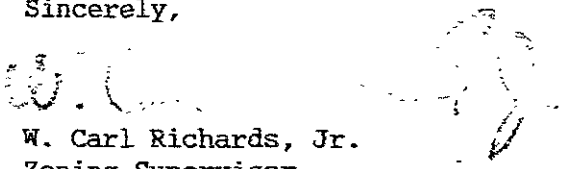
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 2, 1995

FROM: Pat Keller, Director, OP

SUBJECT: The Valleys of Towson

INFORMATION:

Item Number: 119

Petitioner: Strutt Group, Inc.

Property Size: _____

Zoning: RAE-2

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The requested variances are necessary in order to allow the redevelopment of the 2.47 acre parcel which is part of a 50-unit garden apartment complex known as Hampton Apartments. The applicant proposes to raze the existing apartments on the south side of Lambourne Road and construct 2 buildings with 39 units in each building.

The site is located within the boundaries of the Towson Community Plan and is situated in the Design Area of Fairmount/Dulaney Valley. A limited exemption (B9) was approved on April 10, 1995. In addition, a Design Review Panel meeting was held on April 3, 1995, and comments which included the recommendations of the Planning Office were forwarded to the developer.

The Office of Planning supports the requested variances provided that a final landscape plan is submitted to this office for review and approval. The plan should incorporate the sketches provided by staff to Daft, McCune and Walker. Additional ground or bed planting should be provided at the building foundation, and these details should be added to the final landscape plan.

Prepared by: Jeffrey W. Long

Division Chief: Carol Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 29, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 2, 1995
Item 119

The Development Plans Review Division has reviewed the subject zoning item. Per our Highway Comments, dated August 3, 1995, "The reconstruction of Lambourne Road, as shown on the plan is acceptable to Public Works."

In addition to the required Landscape Manual conformance, this office requests that a landscape buffer along the western and southern property lines be made a requirement by the Hearing Officer.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/28/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: LAMBOURNE PARTNERSHIP

LOCATION: SWG LAMBOURNE AND YORKWARD ROADS (THE VALLEYS OF TOWSON)
(BECWITH ESTATES)

Item No.: 119

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED
FEB 27 1996

Zhu

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

118
119
120
121
122

LS:sp

LETTY2/DEPRM/TXTSBP

9/25/95



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-20-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 119 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Office of Zoning Administration
and Development Management

89117.D
CO BOOK



111 West Chesapeake Avenue
Towson, MD 21204

April 11, 1995

(410) 887-3353

Ms. Jean Tansey
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

RE: Strutt/Towson
Lambourne and Dunvale at
Yorkward
DRC Number 03065F Dist. 9C4

Dear Ms. Tansey:

On April 10, 1995, the Development Review Committee (DRC) reconsidered your request on the above referenced project and determined it to be a limited exemption under Section 26-171(b)(9) of the Baltimore County development regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officer's Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Office of Zoning Administration and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

Donald T. Rascoe

DONALD T. RASCOE
Development Manager

DTR:KAK:aw
c: Larry Pilson

119



RE: PETITION FOR VARIANCE	*	BEFORE THE
SWC Lambourne and Yorkward Roads (The	*	ZONING COMMISSIONER
Valleys of Towson), 9th Election Dist.,	*	OF BALTIMORE COUNTY
4th Councilmanic	*	CASE NO. 96-119-A
Legal Owner: Lambourne Ltd. Partnership	*	
Contract Purchaser: Strutt Group, Inc.	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITION FOR VARIANCE * BEFORE THE
SW/Corner Lambourne & Yorkward Roads * ZONING COMMISSIONER
(Phase I, The Valleys of Towson) *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Lambourne Limited Partnership * Case No. 96-119-A
Petitioners *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner as a Petition for Variance for the subject property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire, seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Public Works Standards to permit the proposed reconstruction of the existing apartment complex, pursuant to a revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

WHEREAS, at the onset of the hearing, the Petitioners requested a modification of the relief requested to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. All of the relief requested was granted, by Order issued November 21, 1995.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office that the relief granted failed to include the

additional variance requested at the hearing, and thus, an amendment to the Order is necessary.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November, 1995 that the Order issued November 21, 1995 be and is hereby AMENDED to GRANT variance relief as follows: from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet; to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road; and from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 21, 1995 shall remain in full force and effect.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Ms. Kimberly B. Strutt, The Strutt Group, Inc.
54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel; Case File

- 2 -

IN RE: PETITION FOR VARIANCE * BEFORE THE
SW/Corner Lambourne & Yorkward Roads * ZONING COMMISSIONER
(Phase I, The Valleys of Towson) *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Lambourne Limited Partnership * Case No. 96-119-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners come before me seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to allow a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line, in lieu of the required 30 feet. In addition, the Petitioners seek a variance from Public Works Standards to permit two 18-foot wide lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot paving. The subject property and relief sought are more particularly described on the latest revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Kimberly B. Strutt, President of Strutt Group, Inc., Contract Purchaser/Lessee, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, the Petitioners requested a modification of the relief sought to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. The Petition was amended accordingly and the hearing proceeded on the relief requested.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2.47 acres, more or less, zoned R.A.E.2, and is known as Phase I of The Valleys of Towson, a large high-rise apartment complex. The property is proposed to be redeveloped with 78 two-bedroom apartments as shown on the site plan submitted and marked into evidence as Petitioner's Exhibit 1. This property was the subject of prior Case No. 94-355-A in which the Petitioners were granted variances from various building, property line, and window setback requirements, as well as a parking variance of 90 spaces in lieu of the required 93 spaces for the proposed redevelopment of the subject site on April 21, 1994. The Petitioners propose to raise the existing buildings and construct two new buildings with 39 units each as shown on the site plan. The Petitioners now come before me seeking a modification of the variance relief previously granted to reflect minor amendments to the site plan and a refinement of the building locations on the property. The proposed new buildings will be lower in height and spread over the entire property in lieu of the typical

- 2 -

high-rise style apartment building. Thus, the requested variances are necessary.

It should be noted that this project was granted a limited exemption from the development process by the Development Review Committee on April 10, 1995. In addition, the Zoning Plans Advisory Committee comments are favorable and the Office of Planning and Zoning (OPZ) supports the Petitioners' request for variance. Furthermore, the Developer's Plans Review Division supports the relief requested, but suggested that landscaping be required in conjunction with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November, 1995 that the Petition for Variance seeking relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet, and to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 21, 1995

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Lambourne & Yorkward Roads
(Phase I, The Valleys of Towson)
9th Election District - 4th Councilmanic District
Lambourne Limited Partnership - Petitioners
Case No. 96-119-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Kimberly B. Strutt, The Strutt Group, Inc.
54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/21/95
By [Signature]

- 3 -

- 4 -

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lambourne and Dorsale at Yorkward
which is presently zoned RAE-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached
hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or
practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, we, we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to
be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser(s)
Strutt Group, Inc.
By: Kimberly B. Strutt, President
54 Scott Adam Road
Cockeysville, Maryland 21030

Legal Owner(s)
Lambourne Limited Partnership
By: Jack H. Richter, General Partner
c/o JH Properties
40 York Road, 2nd Floor
Towson, Maryland 21204 321-5277

By: Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262
Towson, Maryland 21204

Name, Address and phone number of legal owner, former purchaser or representative
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6262

ESTIMATED LENGTH OF HEARING
The following date: 9-11-95

REVIEWED BY: gum DATE: 9-11-95

Zoning Variances

Variances from Section 201.3.C.1 of the Baltimore County Zoning Regulations to:

Allow building to be located as close as 45 feet to street centerline, in lieu of
the required 60 feet, while maintaining the required 15 feet to a street line.

Allow building greater than 40 feet in height to be located as close as 15 feet to a
property line other than street line, in lieu of the required 30 feet.

Public Works Standards

Modification of standards to allow two 18-foot lanes with an interior 8 foot island
and on-street parallel parking in Lambourne Rd., in lieu of the required 40 foot
paving.

Additional Variance

Section 201.3 C.2 - to permit side windows on enclosed balconies to be as close as
20 feet from a side window of a similarly enclosed balcony in lieu of the required 75
feet.

Description
To Accompany Petition for Zoning Variance
2.47 Acre Parcel
Southeast Side of Lambourne Road
Southwest Side of Yorkward Road
Ninth Election District, Baltimore County, Maryland

DMW

Draft MCCase Walker, Inc.
240 East Broadway Avenue
Towson, Maryland 21204
410-284-1344
Fax: 410-284-1344
A Team of Land Planners
Landscape Architects
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the point formed by the intersection of the
southeast side of Lambourne Road, 60 feet wide, with the southwest side of
Yorkward Road, 60 feet wide, and being at the end of the second of the two
following courses and distances measured from the point formed by the
intersection of the centerline of Lambourne Road with the centerline of
Yorkward Road (1) South 58 degrees 29 minutes 11 seconds West 30 feet, and
thence (2) South 31 degrees 25 minutes 01 second East 30 feet to the point of
beginning, thence leaving said beginning point and binding on the said side of
Yorkward Road (1) South 31 degrees 25 minutes 01 second East 199.10 feet,
thence leaving the said road and running the two following courses and
distances, viz: (2) South 58 degrees 29 minutes 11 seconds West 540.62 feet, and
thence (3) North 31 degrees 41 minutes 26 seconds West 199.10 feet to intersect
the said southeast side of Lambourne Road, thence binding thereon (4) North 58
degrees 29 minutes 11 seconds East 541.57 feet to the point of beginning;

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 30, 1995

Project No. 89113.E (L89113E.1)

Page 1 of 1



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 9/13/95
Posted for: Strutt Group, Inc.
Petitioner: Strutt Group, Inc.
Location of property: Southeast Side of Lambourne Rd., Southwest Side of Yorkward Rd.
Location of Sign: Property, 200 Lambourne Rd., Towson, Md.
Remarks: None
Posted by: Robert A. Hoffman Date of return: 9/13/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 10/5, 1995.

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #86-119-A
Room 118
The Valleys of Towson
SAC Lambourne and Yorkward Roads
9th Election District - 4th Councilmanic
Legal Owner: Lambourne Limited Partnership
Contract Purchaser: Strutt Group, Inc.

118, Old Courthouse
Notice to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

NOTES: (1) Hearings are handicapped accessible. To special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
1994 October 5

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
 - Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 119

Petitioner: Lambourne Limited Partnership
Location: SW of Lambourne & Yorkward Rds.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormond, Baltimore Legal Asst.
ADDRESS: Venable
210 Allegheny Ave Towson, Md 21204
PHONE NUMBER: 494-6261

AJ:996

(Revised 04/09/93)

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TO: PUBLISHER PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormond
Venable Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6261

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 86-119-A (Item 119)

The Valleys of Towson
SAC Lambourne and Yorkward Roads
9th Election District - 4th Councilmanic
Legal Owner: Lambourne Limited Partnership
Contract Purchaser: Strutt Group, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 86-119-A (Item 119)

The Valleys of Towson
SAC Lambourne and Yorkward Roads
9th Election District - 4th Councilmanic
Legal Owner: Lambourne Limited Partnership
Contract Purchaser: Strutt Group, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

Arnold Jablon
Director

For: Lambourne Limited Partnership
Strutt Group, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 119
Case No.: 96-119-A
Petitioner: Lambourne Ltd.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: The Valleys of Towson

DATE: October 2, 1995

INFORMATION:

Item Number: 119

Petitioner: Strutt Group, Inc.

Property Size:

Zoning: RAE-2

Requested Action: Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The requested variances are necessary in order to allow the redevelopment of the 2.47 acre parcel which is part of a 50-unit garden apartment complex known as Hampton Apartments. The applicant proposes to raze the existing apartments on the south side of Lambourne Road and construct 2 buildings with 39 units in each building.

The site is located within the boundaries of the Towson Community Plan and is situated in the Design Area of Fairmount/Dulaney Valley. A limited exemption (89) was approved on April 10, 1995. In addition, a Design Review Panel meeting was held on April 3, 1995, and comments which included the recommendations of the Planning Office were forwarded to the developer.

The Office of Planning supports the requested variances provided that a final landscape plan is submitted to this office for review and approval. The plan should incorporate the sketches provided by staff to Daft, McCune and Walker. Additional ground or bed planting should be provided at the building foundation, and these details should be added to the final landscape plan.

Prepared by:

Division Chief:

PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Sept. 29, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 2, 1995
Item 119

The Development Plans Review Division has reviewed the subject zoning item. Per our Highway Comments, dated August 3, 1995, "The reconstruction of Lambourne Road, as shown on the plan is acceptable to Public Works."

In addition to the required Landscape Manual conformance, this office requests that a landscape buffer along the western and southern property lines be made a requirement by the Hearing Officer.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-1500

DATE: 09/28/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: LAMBOURNE PARTNERSHIP

LOCATION: SWC LAMBOURNE AND YORKWARD ROADS (THE VALLEYS OF TOWSON)
(BECWITH ESTATES)

Item No.: 119

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4851, MS-112EF

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9/25/95

DATE: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 118
119
120
121
122

LS:sp

LETTY2/DEPRM/TXTSP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 119 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

April 11, 1995

(410) 887-3353

Ms. Jean Tansey
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

RE: Strutt/Towson
Lambourne and Dunvale at
Yorkward
DRC Number 03065F Dist. 9C4

Dear Ms. Tansey:

On April 10, 1995, the Development Review Committee (DRC) reconsidered your request on the above referenced project and determined it to be a limited exemption under Section 25-171(b)(9) of the Baltimore County development regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officer's Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Office of Zoning Administration and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

Donald T. Rascoe
DONALD T. RASCOE
Development Manager

DTR:KAK:aw
c: Larry Pilson

Printed with Soy-based Ink
on Recycled Paper

RE: PETITION FOR VARIANCE
SWC Lambourne and Yorkward Roads (The
Valleys of Towson), 9th Election Dist.,
14th Councilmanic
Legal Owner: Lambourne Ltd. Partnership
Contract Purchaser: Strutt Group, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-119-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

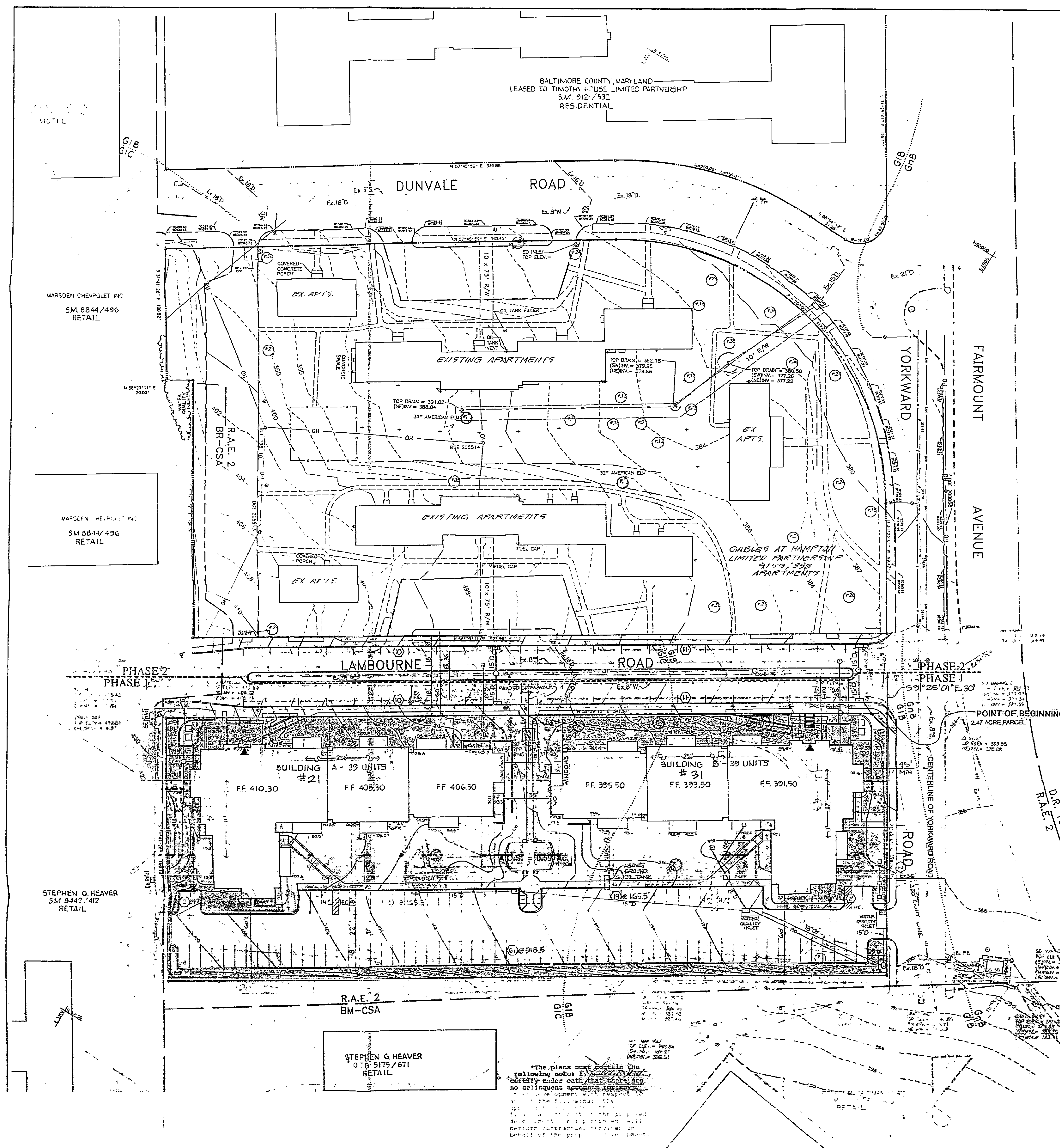
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JAROLE S. DEMILIO
Deputy People's Counsel
Room 417, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

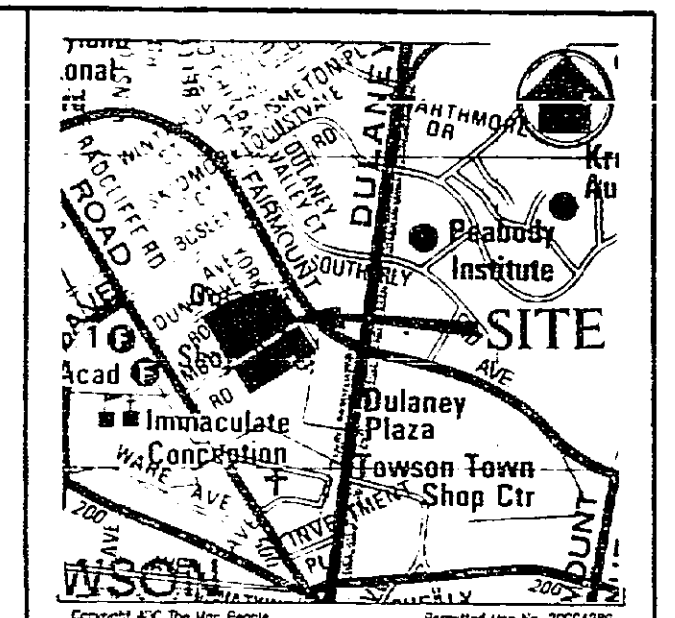
I HEREBY CERTIFY that on this 26th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN
PETER MAX ZIMMERMAN

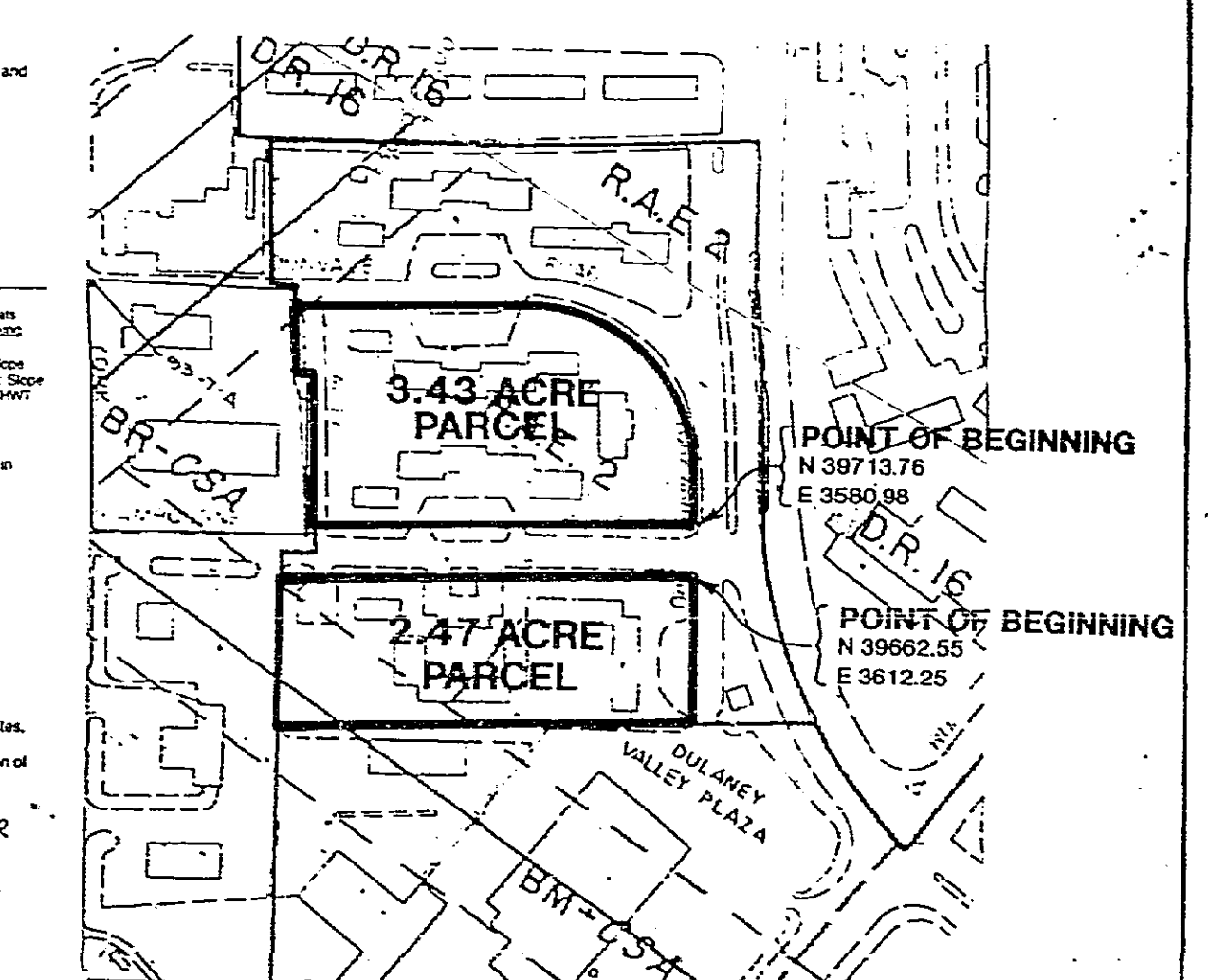
[illegible]

LEGEND

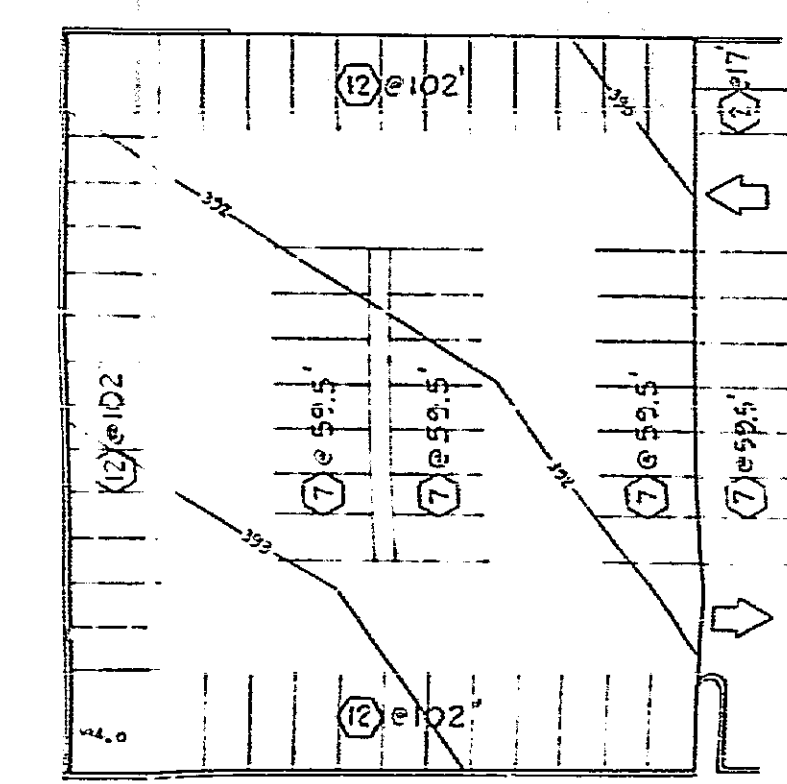
	OVERHEAD WIRES
—	WATER LINE
—	STORM DRAIN LINE
—	SANITARY SEWER LINE
—	LIGHT POLE
—	SIGNPOST
—	STORM DRAIN MANHOLE
—	SANITARY SEWER MANHOLE
—	HAND BOX
—	GAS VALVE
—	TELEPHONE CABLE MARKER
—	GUI WIRE
—	TELEPHONE MANHOLE
—	WATER VALVE
—	WATER METER
—	ELECTRIC TRANSFORMER
—	UTILITY POLE



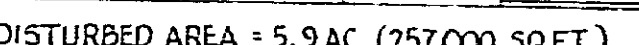
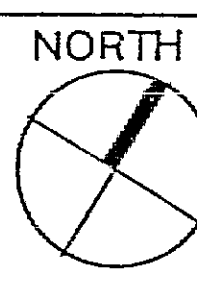
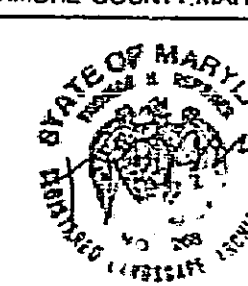
Vicinity Map



PART OF 1"=200'
ZONING MAPS NE 10-A & 11-A



PARKING DECK LOWER LEVEL

Scale. 1" = 30' 																							
DISTURBED AREA = 5.9 AC. (257,000 SQ.FT.)																							
<h1 style="margin: 0;">DWV</h1>																							
Daft - McCune - Walker, Inc. <small>4 North of 3rd Avenue Engineers, Surveyors & Environmental Consultants</small> OK FOR THE DISTRICTING AGENCY Date: May 22nd 1995 ATTY: J. L. BILLY P. 255-4702 																							
<h2 style="margin: 0;">THE VALLEYS OF TOWSON</h2> <p style="font-weight: bold; margin: 10px 0;">PLAN & PLAT TO ACCOMPANY ZONING VARIANCE PETITION</p> <p>ZADM# IX-93B BALTIMORE COUNTY MARYLAND</p>																							
<div style="border: 1px solid black; height: 150px; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; background-color: white; border-radius: 50%; transform: rotate(45deg); width: 100%; height: 100%;"></div>  </div>	<div style="border: 1px solid black; height: 150px; position: relative;">  </div>																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">DATE</th> <th style="width: 10%;">BY</th> <th style="width: 70%;">REVISIONS</th> </tr> </thead> <tbody> <tr> <td>S-24-93</td> <td>J.L.</td> <td>REV. SEE COMMENTS AND SIGNATURE ADDRESS</td> </tr> <tr> <td>S-24-93</td> <td>J.L.</td> <td>OK. PAGE NO. 4 OF 5</td> </tr> <tr> <td>S-24-93</td> <td>C.W.</td> <td>ADDED TITLE, TANK & FIRM HYDROLOGIST</td> </tr> <tr> <td>S-24-93</td> <td>C.W.</td> <td>SEE GENERAL NOTES #2, 3, 4, 15, 16, 20</td> </tr> <tr> <td></td> <td></td> <td>FEE DEDUCT COLLECTED</td> </tr> <tr> <td colspan="3" style="text-align: center;"> <i>APPROVED BY ATTORNEY</i> _____ 9-6-93 </td> </tr> </tbody> </table>			DATE	BY	REVISIONS	S-24-93	J.L.	REV. SEE COMMENTS AND SIGNATURE ADDRESS	S-24-93	J.L.	OK. PAGE NO. 4 OF 5	S-24-93	C.W.	ADDED TITLE, TANK & FIRM HYDROLOGIST	S-24-93	C.W.	SEE GENERAL NOTES #2, 3, 4, 15, 16, 20			FEE DEDUCT COLLECTED	<i>APPROVED BY ATTORNEY</i> _____ 9-6-93		
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